

REMARKS/ARGUMENTS

I. Concerning the Amendments

Claims 1-4 are cancelled without prejudice to the filing of a continuing application. Various claims are amended to depend from Claim 8. Amendments are presented to Claims 5-7, 11 and 12 to address antecedent basis issues.

The amendments presented herein cancel a claim, or present rejected claims in better form for consideration on appeal. The amendments were not presented earlier since they are in response to new rejections. However, the amendments are presented in an attempt to advance prosecution, and entry of the amendments is solicited.

II. Concerning the Rejection under 35 U.S.C. 112

Claims 8-9 and 12-16 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicants' invention relates to a process for the removal and recovery of acid gas from an aqueous treatment fluid. The fluid comprises at least one chemically absorbed acid gas and at least one acid gas-absorbing chemical agent. The regeneration step, which separates a first stream (A) from a second stream (B), is conducted in a pressure vessel wherein the pressure is essentially a single pressure of 50 to 300 psia.

The rejected claims all depend from Claim 8. Claim 8 was amended in the last response to specify that in step 1) the pressure Vessel is operated at essentially a single pressure. Examiner alleges that "this limitation is not supported clearly in the Specification."

As stated in MPEP 2163.04, the inquiry into whether the description requirement is met must be determined on a case-by-case basis and is a question of fact. A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.

Applicants' specification contains sufficient information that one skilled in the art can reasonably conclude that the inventors had possession of the claimed invention. For example, Table 1 shows that Example 1 operates with a Reflux Accumulator Pressure of 52.4 psia and a Hot Lean Pressure of 55.4 psia, and that Example 2 operates with a Reflux Accumulator Pressure of 132 psia and a Hot Lean Pressure of 135 psia. These examples show that the pressure at any point in the Vessel for Example 1 is between 52.4 and 55.4 psia, and for Example 2 is between 132 and 135 psia. In contrast to the multiple pressure stages of Rochelle, it is clear to one skilled in the art that the processes of Applicants' Examples 1 and 2 operate at essentially a single pressure, taking into consideration pressure drop across the Vessel. The record has no explanation regarding why a person skilled in the art would not recognize in Applicants' disclosure a description of the invention defined by the claims. Withdrawal of this rejection is respectfully requested for the foregoing reasons.

III. Concerning the Rejections under 35 U.S.C. 103

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being obvious over Rochelle alone.

Claims 7 and 11 stand rejected under 35 U.S.C. 103(a) as being obvious over Rochelle in view of Asprion et al.

Applicants at this time elect to have the patentability of the dependent claims stand or fall with that of the corresponding independent Claim 8, which is not subject to any prior art rejection.

Reconsideration and withdrawal of the rejections is respectfully requested.

IV. Conclusion

For the foregoing reasons, reconsideration of the claims and passing of the application to allowance are solicited.

Respectfully submitted,

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